

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

QUINCETTA Y. CARGILL,)
)
Plaintiff,)
)
v.) Case No. 2:20-cv-01953-ACA-JHE
)
STATE OF ALABAMA, et al.,)
)
Defendants.)

MEMORANDUM OPINION

On December 9, 2020, the magistrate judge ordered *pro se* Plaintiff Quincetta Cargill to either file an application to proceed *in forma pauperis* or pay the filing and administrative fees totaling \$400.00. (Doc. 2). After Ms. Cargill failed to comply with or otherwise respond to that order, the magistrate judge entered a report recommending that the court dismiss this action for failure to prosecute. (Doc. 3). The magistrate judge advised Ms. Cargill of her right to object to the report and recommendation within fourteen days. (*Id.*). On February 8, 2021, Ms. Cargill filed objections to the report and recommendation. (Doc. 4); *see Houston v. Lack*, 487 U.S. 266 (1988); *Garvey v. Vaughn*, 993 F.2d 776, 783 (11th Cir. 1993).

Ms. Cargill's only objection to the recommendation to dismiss her complaint for failure to prosecute is: "[I]n the event I have failed to file [an] application to proceed *in forma pauperis*[,] it was neither intentional nor an indication that I do not

wish to pursue claims that I have obviously initiated with full intent to fight.” (Doc. 4 at 4–5). However, she does not explain why she failed to comply with the magistrate judge’s order to pay the filing fee or move to proceed *in forma pauperis*, nor does she indicate any intention to comply with that order, instead focusing on other arguments relating to her claims in this and other cases. (*See generally* Doc. 4). Accordingly, the court **OVERRULES** Ms. Cargill’s objections. The court **ADOPTS** the report, **ACCEPTS** the recommendation, and **WILL DISMISS** this action **WITHOUT PREJUDICE** for failure to prosecute.

As a final matter, the court notes that although Ms. Cargill has not filed a notice of change of address with the court in this case, she did recently update her address in another case. *See Cargill v. Admin. Conference of the United States*, no. 2:21-cv-00160-KOB-JHE, Doc. 4 at 14 (N.D. Ala. Mar. 10, 2021). The court therefore **DIRECTS** the Clerk to update Ms. Cargill’s address to Montgomery County Jail, P.O. Box 4599, Montgomery, Alabama, 36103.

The court will enter a separate final order consistent with this opinion.

DONE and **ORDERED** this March 18, 2021.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE